

Appl. No. 10/812,242
Amdt. Dated 10/07/2005
Reply to Office Action of June 10, 2005

REMARKS/ARGUMENTS

In paragraph 3 of the outstanding Office Action, the Examiner states that the term "non-overlapping" is not defined in the claims to provide the necessary distinction between the prior art and the claims. In response, the term "non-overlapping" has been eliminated from the claims, and the meaning of the term has been substituted. By way of example, claim 1 has been amended to provide for "a plurality of set-reset latches, each set-reset latch being responsive to a combination of control signals and the output of the comparator and configured to provide first and second switch driver signals having first and second states as set-reset latch outputs, the first switch driver signal being in the first state when the set-reset latch is set, the second switch driver signal being in the first state when the set-reset latch is reset, the first and second switch driver signals not being in the first state at the same time." Other claims, such as claims 2, 12, 20, 22, 24, 25 and 26, including all other independent claims, have been similarly amended.

In the rejection of claims 1-4, 6, 7, 9-11, 12, 14, 15, 17-20 and 22-25 under 35 USC 102(a), the Examiner refers to Figure 1, saying that the Figure shows a plurality of set-reset latches. Actually Figure 1 shows D flip-flops, not set-reset latches, though Figure 2, also prior art, does show set-reset latches. However in both cases, the output of each latch, as used, is a single output, used to trigger separate non-overlapping switch driver circuits (see also Figure 3). Clearly the latches themselves are separate and do not provide switch driver signals as specifically claimed, as each latch only provides one output that is used to trigger separate non-overlapping switch driver circuits. The Examiner, in his summary, notes that "While it is apparent Figure 1c 'shows' the elements (SAR and switch drivers) drawn as separate elements, merely drawing or labeling the two elements, as one (fig. 4) does not provide a distinction over the prior art." However the invention as claimed is more than that. Using claim 1 as an example, the claim specifically requires a set-reset latch, admittedly found in the prior art. However the claim also specifically requires that each set-reset latch itself provide what amount to non-overlapping outputs as switch driver signals. That the prior art does not show. Instead the prior art shows a single output of each set-reset latch driving an entirely separate switch driver circuit contrary to the requirements of the claim.

The claims should be allowable for various reasons, including:

1. The express limitations in the claims foreclose the possibility of reading the claims on the prior art under 35 USC 102(a).
2. The Examiner is simply using hindsight reconstruction when the prior art does not show anything similar in construction and advantages.
3. If the claimed invention was even obvious over the prior art, why can't the Examiner locate prior art that shows or at least suggests the claimed combination when this general type of analog-to-digital converter has been around for a long time and speed of such converters is a most important parameter.

It is believed the non-obviousness of the invention as now claimed is clear.

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CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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10/7/2005
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